HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No. 3082 of 2007

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Between:

The Govt. Employees Co-op. Housing Society
Ltd., Nizamabad
Rep. by Joint Secretary.

…Petitioner.

And

The Member Secretary,
A.P. Pollution Control Board,
Hyderabad & others.

….Respondents.

:: O R D E R ::

Counsel for respondent Nos. 7 and 8 : Shri B. Vijayasen Reddy

26.03.2007

Per G.S. SINGHVI, CJ

Letter dated 06.01.2007 sent by Government Employees Cooperative Housing Society, Nizamabad with the complaint that Bajanna Rice Mill and Venkat Reddy Rice Mill operating in Subhash

Nagar, Nizamabad are causing pollution affecting the health of the people living in the nearby areas, was treated by one of us (the Chief Justice) as a petition in public interest.

In response to the notice issued by the Court, reply has been filed on behalf of respondent Nos. 7 and 8. In his affidavit, Shri M. Raghunandan Reddy, partner of Bajanna Rice Mill has given the background of the dispute relating to 350 square yards of land which is said to have been given by his grand father to the society and averred that the complaint has been made by the society with an ulterior motive. According to him, the complaint has been filed to pressurize the family to transfer the land in favour of the society.

During the course of hearing, Shri Vijayasen Reddy, learned counsel appearing for respondent Nos. 7 and 8 made a statement that in pursuance of notice dated 23.03.2000 issued by it, Andhra Pradesh Pollution Control Board has already ordered closure of two rice mills and they have decided to avail remedy by filing appeal under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

In view of the above, we do not consider it necessary to delve into the issue relating to the bona fides of the complaint made by the society and dispose of the writ petition as infructuous.

Needless to say that order passed in this petition shall not affect the adjudication of the appeal, which may be preferred by the rice mills against the orders of closure.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

26.03.2007
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